

Before the
Federal Communications Commission
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Application by Verizon New England |) | |
| Inc., Bell Atlantic Communications, |) | CC Docket No. 02-7 |
| Inc. (d/b/a Verizon Long Distance), |) | |
| NYNEX Long Distance Company |) | |
| (d/b/a Verizon Enterprise Solutions), |) | |
| Verizon Global Networks Inc., and |) | |
| Verizon Select Services Inc., for |) | |
| Authorization to Provide In-Region, |) | |
| InterLATA Services in Vermont |) | |

To: The Commission

REPLY COMMENTS
OF ADELPHIA BUSINESS SOLUTIONS, INC.
AND ADELPHIA BUSINESS SOLUTIONS OF VERMONT, INC.

Adelphia Business Solutions, Inc. (“ABS”) and Adelphia Business Solutions of Vermont, Inc. (“ABS-VT”) submit their reply comments to the Application by Verizon New England for Authorization to Provide In-Region InterLATA Services in Vermont.

Specifically, ABS wishes to respond to comments contained in an *ex parte* response from Verizon regarding ABS’s alleged provision of services to residential customers in Vermont.¹ In our initial comments, we stated that ABS-VT, in contradiction of Verizon’s pleading stating otherwise, “currently has no lines that it serves that it deems residential.”² In its February 11th *ex parte* to the Commission, Verizon again insisted that ABS-VT is serving residential customers. Verizon based this conclusion on the fact that Verizon’s White Pages contain residential listings for these customers. While ABS

¹ See Ex Parte Letter to William Caton, Acting Secretary, Federal Communications Commission, from Richard Ellis, Director –Federal Affairs, Verizon Communications, dated February 11, 2202. (February 11th Ex Parte).

² ABS Comments at 2.

certainly does not dispute Verizon's White Page listings, we can and we do disagree with the assertion that we are directly offering service to these residential customers.

The lines in question serve a senior assisted living complex in Vermont. The ABS-VT account holder on these lines is the management company at the complex which operates a community wide system through its own PBX. The management company administers the service, including distributing the billing information. Vermont statute defines a private network as a telecommunications system entirely owned and operated by a single corporate or individual person other than a telecommunications service provider and not *available to the general public*.³

We believe this situation falls under the definition of a private network. Therefore, as we stated in our initial comments ABS-VT believes these lines should be designated as business lines not residential. Our service to the management company in this case is most analogous to a shared tenant service, similar to that outlined in Virginia's telecommunications rules.⁴ Virginia rules directly address this type of scenario by noting that local exchange carriers may not prohibit "any persons from subscribing to local exchange *business telecommunications services* and facilities and *privately reoffering those communication services* . . . within a common development", such as condominium or cooperative complexes, hotels, and colleges.⁵ These rules further direct the local exchange carrier to apply rates to this situation that it would apply to other business PBX customers.⁶ We believe the senior assisted living center fits within this definition. ABS, therefore, has properly labeled the management company as a

³ See Vt. Stat. Ann. Tit. 30, Chapter 88, § 7501.

⁴ § 20VAC5-409-10 – 50.

⁵ § 20VAC5-409-10.

⁶ § 20VAC5-409-40

business customer, and Verizon has mistakenly concluded that ABS-VT provides residential services in its 271 application.

Finally, ABS is somewhat surprised that Verizon insists that this service constitutes residential. It should be aware that ABS had to assure Verizon that it would not undertake facilities-based residential service in Vermont as a condition of ABS's 252(i) adoption of an existing Verizon interconnection agreement in 1999.

Respectfully submitted,

ADELPHIA BUSINESS SOLUTIONS, INC.

ADELPHIA BUSINESS SOLUTIONS OF
VERMONT, INC.

By: /s/ T. J. Romine

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